

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Laquan Demetrius Collier,

C/A No. 5:16-00597-CMC-KDW

Plaintiff

v.

Lt. C. Beckett, Lt. Aull, and Nurse Ms. Olds,

Opinion and Order

Defendants.

This matter is before the court on Plaintiff's *pro se* complaint filed in this court pursuant to 42 U.S.C. §1983 on February 24, 2016. ECF No. 1. Plaintiff alleges that he was sprayed with chemical munitions and beaten, and that he was not able to decontaminate and his resulting medical needs were not addressed. *Id.*

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(e) DSC, this matter was referred to United States Magistrate Judge Kaymani D. West for pre-trial review and a Report and Recommendation as necessary.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). The court reviews only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely

filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

On March 18, 2016, the Magistrate Judge issued a Report and Recommendation, recommending that Plaintiff’s Complaint be dismissed without prejudice for lack of relief requested. ECF No. 9. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.

After reviewing the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error.

Therefore, it is hereby ordered that Plaintiff’s Complaint is **dismissed without prejudice.**

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
April 6, 2016